

REGULAR CITY COUNCIL MEETING

MARCH 10, 1986

PRESENT

Ruth Hansen	Mayor
Craig Greathouse	Council Member
Don Dafoe	Council Member
David Church	Council Member
Neil Dutson	Council Member
Gayle Bunker	Council Member

ABSENT

Jim Allan	City Manager
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OTHERS PRESENT

Dorothy Jeffery	City Recorder
Warren Peterson	City Attorney
John Quick	City Engineer
Rity Byrd	City Billing Clerk
Neil Forster	Public Works Director
Rex Johansen	City Resident
Jim Cox	Sunrise Engineering
Alden Robinson	Sunrise Engineering
Robert Pendray	Pendray Construction
George Cox	Delta Area Chamber of Commerce
Morris Burton	Delta City Police Officer
Rhett Whatcott	Delta Middle School
Kevin Bunker	Delta Middle School
Tyler DeGraw	Delta Middle School
Russell Anderson	Delta Middle School
Tyler Tolbert	Delta Middle School
Doug Peterson	Delta Middle School
Brett Greathouse	Delta Middle School
Brad Larson	Delta Middle School
J.B. Foster	Delta Middle School

Mayor Ruth Hansen called the meeting to order at 7:00 p.m. Dorothy Jeffery, City Recorder, acted as secretary. Mayor Hansen stated that notice of the meeting time, place and agenda were posted at the principal office of the governing body located at 76 North 200 West and was provided to the Millard County Chronicle Progress, the local radio station, KNAK, and to each member of the City Council by personal delivery two days prior to the meeting.

MINUTES

The proposed minutes of a Public Hearing held February 3, 1986, were presented for Council's consideration and approval. The Council reviewed the minutes briefly, after which Council Member Gayle Bunker MOVED that the minutes be approved as corrected. Council Member Craig Greathouse SECONDED the motion. Mayor Hansen asked if there were any further questions or comments regarding the minutes. There being none, she called for a vote. The motion passed unanimously.

The proposed minutes of a Regular City Council Meeting held February 3, 1986, were presented for Council's consideration and approval. The Council reviewed the minutes briefly, after which Council Member Craig Greathouse MOVED that the minutes be approved as presented. Council Member Gayle Bunker SECONDED the motion. Mayor Hansen asked if there were any further questions or comments regarding the minutes. There being none, she called for a vote. The motion passed unanimously.

The proposed minutes of a Regular City Council Meeting held February 10, 1986, were presented for Council's consideration and approval. The Council reviewed the minutes briefly, after which Council Member Gayle Bunker MOVED that the minutes be approved as corrected. Council Member Neil Dutson SECONDED the motion. Mayor Hansen asked if there were any further questions or comments regarding the minutes. There being none, she called for a vote. The motion passed unanimously.

The proposed minutes of a Regular City Council Meeting held February 24, 1986, were presented for Council's consideration and approval. The Council reviewed the minutes briefly, after which Council Member David Church MOVED that the minutes be approved as presented. Council Member Neil Dutson SECONDED the motion. Mayor Hansen asked if there were any further questions or comments regarding the minutes. There being none, she called for a vote. The motion passed unanimously.

The proposed minutes of a Special City Council Meeting held March 26, 1986, were presented for Council's consideration and approval. The Council reviewed the minutes briefly, after which Council Member Craig Greathouse MOVED that the minutes be approved as presented. Council Member Neil Dutson SECONDED the motion. Mayor Hansen asked if there were any further questions or comments regarding the minutes. There being none, she called for a vote. The motion passed unanimously.

ACCOUNTS PAYABLE

The Council reviewed the accounts payable, a list of which had been given to them two days prior to the meeting. Following a brief discussion of the accounts payable, Council Member David Church MOVED that the accounts payable be approved for payment as listed in the amount of \$9,261.13. The motion was SECONDED by Council Member Neil Dutson. Mayor Hansen asked if there were any further questions or comments regarding the accounts payable. There being none, she called for a vote. The motion passed unanimously.

GEORGE COX, CHAMBER OF COMMERCE: DISCUSSION OF DELTA CITY CLEAN-UP CAMPAIGN FOR 1986

Mayor Hansen asked George Cox of the Delta Area Chamber of Commerce to address the Council and review the Delta City Clean-Up Campaign for 1986.

George Cox said that the proposed dates for the Delta City Clean-Up are April 19 and April 26 and requested the use of City equipment and Public Works personnel.

Mayor Hansen said that the City has been offered the services of the Utah National Guard equipment and personnel if the City will pay the cost of diesel for the equipment.

Following a brief discussion, Council Member David Church MOVED to approve the use of City equipment and personnel on the 19th and 26th of April in coordination with the Delta Area Chamber of Commerce Clean-Up Campaign. The motion was SECONDED by Council Member Craig Greathouse. Mayor Hansen asked if there were any further comments or questions regarding the motion. There being none, she called for a vote. The motion passed unanimously.

RAY BROWN, HINCKLEY LIONS CLUB: APPROVAL OF HINCKLEY DEMOLITION DERBY TO BE HELD IN CONJUNCTION WITH DELTA CITY'S FOURTH OF JULY CELEBRATION

Mayor Hansen asked Ray Brown to address the Council regarding plans for the Hinckley Lions Demolition Derby.

Ray Brown, Hinckley Lions Club President, asked the Council for their approval for the Hinckley Lions Club to hold a Demolition Derby on July 4th at 7:00 p.m. in conjunction with Delta City's Fourth of July Celebration.

Following a brief discussion, Council Member Don Dafoe MOVED to approve the scheduling of Hinckley Lions Club Demolition Derby to be held July 4th at 7:00 p.m. in conjunction with Delta City's Fourth of July celebration. Council Member Gayle Bunker SECONDED the motion. Mayor Hansen asked if there were any further comments or questions regarding the motion. There being none, she called for a vote. The motion passed unanimously.

Mayor Hansen thanked Mr. Brown for his courtesy in coordinating this event with the Delta City July 4th celebration schedule.

ROBERT PENDRAY: CONSIDERATION OF PROPOSAL FOR A YOUTH RECREATIONAL SITE

Mayor Hansen asked Robert Pendray to present to the Council his proposal for a youth recreation site.

Robert Pendray said that he is proposing that a City street be designated for "three wheeler" recreational motorcycle traffic to travel north to a three wheeler riding area. He proposed that such a path be designated where youth not possessing a drivers license can ride without being in violation of the law.

Attorney Warren Peterson said that by State law, a city street extends from right-of-way line to right-of-way line. Such streets are classified as a public street and traffic laws as adopted by Delta City would not permit operation of such vehicles, or of any vehicles by underage drives, within a public street, he said. It was suggested that it be the parents' responsibility to get their children to the three wheeler riding area.

Following further discussion, Council Member Neil Dutson recommended that Mr. Pendray form a committee to determine some ways in which this problem could be handled. Dorothy Jeffery volunteered to be on the committee.

The Council thanked Mr. Pendray for his efforts to provide a solution to the problems arising from improper use of these vehicles. Mayor Hansen encouraged him to continue his efforts.

RICHARD K. FERGUSON: REQUEST FOR WATER RATE CHANGE FOR 20-UNIT APARTMENT COMPLEX

Mayor Hansen asked Public Works Director Neil Forster to review with the Council Richard K. Ferguson's request for a water rate change for 20-unit apartment complex. Mr. Ferguson was not in attendance at this meeting.

Mr. Forster reviewed the following memorandum with the Council:

MEMORANDUM

TO: City Council
FROM: Neil Forster
RE: Request for Rate Change for 20-unit
Apartment Complex
DATE: March 5, 1986

Initially, as these apartments were approved and built in the City, they were built in a residential zone with the idea in mind that they were and would remain, by city definitions, apartments. Water and sewer billings have been and continue to be billed as per the multiple family housing rate structure. Mr. Ferguson has indicated his desire to change this billing rate to the motel and hotel rate structure.

I am personally against this concept for the following reasons.

1. These apartments do have 24-hours live-in permanent residences, as compared to a motel's overnight, one shower per person, concept.
2. The area in which this complex is located is zoned R-2, which does not allow commercial hotels or motels.

3. There is some outside irrigation involved with a sprinkling system as would be related to multiple family dwellings.

Recently, Mr. Ferguson was informed that Delta City has a policy of billing for number of occupied units only. This is determined by a phone call at billing time each month. The number occupied on that date is considered the occupancy for the month. Mr. Ferguson was also told that if he would provide past records of occupancy, possible adjustments could be made from the time he assumed ownership in August.

Approximately three months ago, I went to the local manager and obtained Mr. Ferguson's name and address and also indicated to the manager that unless some arrangements were made, water and sewer services could possibly be terminated. This prompted a call the following day from Mr. Ferguson. At this writing, we still have received no payments on the account.

Following further discussion of the memorandum, Council Member Craig Greathouse MOVED to deny Mr. Ferguson's request for a water rate change from apartment rate to motel rate for the reasons explained in Mr. Forster's memorandum. The motion was SECONDED by Council Member Gayle Bunker. Mayor Hansen asked if there were any further comments or questions regarding the motion. There being none, she called for a vote. The motion passed unanimously.

ATTORNEY WARREN PETERSON: CONSIDERATION OF ORDINANCE TO NARROW STREETS
BORDERING BLOCK 25

Mayor Hansen asked Attorney Warren Peterson to discuss with the Council a proposed ordinance to narrow streets bordering Block 25.

Attorney Warren Peterson presented a proposed ordinance entitled:

ORDINANCE NO. 86- (tabled)

AN ORDINANCE DECLARING CERTAIN POLICIES APPLICABLE TO DEVELOPMENT OF PROPERTY LOCATED WITHIN THE AMENDED PLAT OF DELTA TOWNSITE (PLAT "A"), PROVIDING FOR VACATION OF CERTAIN PORTIONS OF SECOND SOUTH STREET, THIRD SOUTH STREET, THIRD EAST STREET AND FOURTH EAST STREET AND SETTING CONDITIONS FOR THE PORTIONS OF THE ORDINANCE VACATING STREETS TO BECOME EFFECTIVE AND AUTHORIZING CONVEYANCE OF PROPERTY UPON COMPLIANCE WITH CERTAIN CONDITIONS.

Attorney Peterson said that this ordinance is drafted to vacate 19.5 feet on all four sides of Block 25, and also to vacate 19.5 feet of 200 South Street lying on the north side of the street. He suggested that only 15 feet be

vacated on the west side of Block 25 because of the comments regarding the existing water line at that location as described by Neil Forster during the public hearing on this proposal. Public Works Director Neil Forster said that the only place utility lines are a problem is on Third East Street. He said there is also a large open drain on Second South Street.

Attorney Peterson said that this ordinance is written to state that the remuneration Delta City receives for the property to be conveyed is that the City is using the 19.5 foot strip around the block, property a developer can have if they will develop property lying within the old Delta Townsite plat. He said the proposed ordinance includes a finding that the Council has found that the land development and installation of the improvements is adequate compensation to the public for the property.

Attorney Peterson also reviewed with the Council the purpose of short plat subdivision ordinance and said that the short plat is not legal on Block 25 and said that he has expressed that to Mr. Johansen and to the City Zoning Enforcement Officer. Mr. Peterson said that development on Block 25 without filing a subdivision plat would be grounds for prosecution.

Council Member Gayle Bunker said that he is willing to approve the vacation of the 19.5 foot strip along the boundary of Block 25 and he feels that full development is sufficient payment to the City, but not under the short plat ordinance.

Mayor Ruth Hansen said that she feels that if Mr. Johansen develops that area and develops the streets, curb and gutter so that it is a viable part of the City, then the City should vacate the street and convey the vacated portion as the improvements are installed.

Neil Forster was asked for a report on the status of the house Mr. Johansen had started to build at 205 South 300 East. Mr. Forster said that he wrote Mr. Johansen a letter stating that the building permit applied for at that location could not be issued until the street vacation on the west and the north of the lot was completed because Mr. Johansen had included property from the proposed street vacation in his plot plan for the building permit. He said that a stop work order had also been issued earlier in the day by the City building inspector because Mr. Johansen had begun construction without a building permit.

Following further discussion, Council Member Gayle Bunker MOVED to table the proposed ordinance and that it be modified to provide that 15 feet be vacated on Third East Street rather than 19.5 feet as presently written and that any further action be made subject to Mr. Johansen complying with the Delta City Subdivision Ordinances. Council Member Neil Dutson SECONDED the motion. Mayor Hansen asked if there were any further comments or questions regarding the motion. There being none, she called for a vote. The motion carried, with Council Member David Church voting no.

JIM COX, SUNRISE ENGINEERING: PROPOSAL FOR ENGINEERING PROJECTS

Mayor Hansen asked Jim Cox of Sunrise Engineering to address the Council regarding an engineering proposal.

Jim Cox asked his partner, Alden Robinson, to give the Council an overview of engineering services that can be provided by their firm. Mr. Robinson said that Sunrise Engineering has the following services available:

1. Engineering
2. Materials Testing Laboratory
3. Surveying
4. Global Positioning Survey Service
5. Assistance in Acquiring Project Funding

Mr. Robinson said that Sunrise Engineering is a full service organization and they feel competent, ready and willing to submit proposals on upcoming projects in the Delta area.

Mr. Cox then explained a process used for paving roads using lignon-sulfonate with a chip seal rather than asphalt paving. He explained that this material is significantly cheaper than asphalt and has superior durability. He identified a number of Millard County Roads where this material had been used.

JIM ALLAN: CONSIDERATION OF AMENDMENTS TO THE DELTA CITY PERSONNEL MANUAL

The amendments to the Delta City Personnel Manual were not discussed because Jim Allan was not in attendance at this meeting.

Council Member Gayle Bunker MOVED to table this item until the next Regular City Council Meeting. Council Member David Church SECONDED the motion. Mayor Hansen asked if there were any further comments or questions regarding the motion. There being none, she called for a vote. The motion passed unanimously.

ATTORNEY WARREN PETERSON: CONSIDERATION OF REQUEST TO VACATE PORTION OF SECOND EAST STREET LYING NORTH OF THIRD NORTH STREET

Mayor Hansen asked Attorney Warren Peterson to discuss with the Council a request to vacate a portion of Second East Street lying north of Third North Street.

Attorney Peterson said that he has not received a legal description on the property that is to be vacated. This item was tabled.

NEIL DUTSON: DISCUSSION OF MILLARD COUNTY SANITARY LANDFILL MEETING AND PROPOSED RECOMMENDATION FOR SOLID WASTE MANAGEMENT SYSTEM

Mayor Hansen asked Council Member Neil Dutson to review with the Council the Millard County Sanitary Landfill meeting.

Council Member Neil Dutson presented an agreement and a sample ordinance used by Richfield City entitled:

RICHFIELD CITY ORDINANCE NO. 1984-2

AN ORDINANCE OF THE CITY OF RICHFIELD, STATE OF UTAH,
REGARDING SOLID WASTE SERVICE ASSESSMENTS

The agreement and ordinance were presented for discussion only; there was no action taken.

MAYOR RUTH HANSEN: CONSIDERATION OF APPOINTMENTS TO LICENSING APPEALS BOARD
AND VARIOUS OTHER BOARDS

Mayor Hansen said that a replacement is needed for David Church on the Board of Adjustments and recommended that Wydell Jeffery be appointed to that Board.

Council Member David Church MOVED to appoint Wydell Jeffery as a member of the Board of Adjustments. Council Member Don Dafoe SECONDED the motion. Mayor Hansen asked if there were any further comments or questions regarding the motion. There being none, she called for a vote. The motion passed unanimously.

Mayor Hansen said that a Delta City representative needs to be appointed to the West Millard Recreation District Board and asked the Council to submit names for consideration at the next City Council meeting.

Following a brief discussion, Council Member Don Dafoe MOVED that Council Member David Church be appointed to the Licensing and Appeals Board. Council Member Craig Greathouse SECONDED the motion. Mayor Hansen asked if there were any further comments or questions regarding the motion. There being none, she called for a vote. The motion passed unanimously.

ATTORNEY WARREN PETERSON: DISCUSSION OF AIRPORT ANNEXATION

Mayor Hansen asked Attorney Warren Peterson to review with the Council the status of negotiations on the proposed Airport Annexation.

Attorney Warren Peterson said that Derral Christensen is currently proposing to run a sewer line from his development to the Northeast Annexation extension of the sewer system as described in Option 3 of Bush & Gudgell feasibility report. Mr. Christensen will pay the cost of the sewer line and requests that the City impose a lien on the sewer line for reimbursement from future connections.

The question was asked, "What happens if the sewer line is built and there are only five homes built out there?" The suggestion was if that occurs, then the line would be cut and put it off into a community septic system which would be operated by the developers. No time frame for this was set, but will have to be set at a later date, it was noted.

Mr. Peterson said Mr. Christensen has also made an offer to pay maintenance fees for maintenance and operation of any improvements that may not generate sufficient user fees on proprietary function or taxes on general fund improvements, rather than have the City subsidize the development.

He said the water system, rather than being built with a line interconnecting with the City system as had been proposed, would initially be built only for the first phase of the development. Mr. Christensen has proposed to build a self-contained hydropneumatic system for 50 lots. Mr. Christensen proposed to use the existing Morley Well or a six-inch well that has been drilled for the first phase, if they are approved by the Utah Department of Health. If development is successful and goes to a second phase, then Mr. Christensen will put in whatever system the City requires at that time for dedication to Delta City.

Attorney Peterson said that Mr. Christensen also proposes that the cost of installing and interconnecting the water line in the future be shared. He proposes that a line lien system be set up on that line.

Attorney Peterson said that Elwin Johnson, representing Delta Valley Farms, has said that he is concerned about hooking into the sewer line. Mr. Johnson suggested that the waste products from his plant be tested to see what kind of treatment would be required and to see if it would be compatible with the City sewer system. Mr. Johnson expressed no immediate interest in connecting to the City sewer system.

There was discussion about having an independent water system with the City contracting to run that system. Public Works Director Neil Forster recommended against that arrangement for liability reasons. Any water line installed should be designed to meet Delta City and Utah State Department of Health standards. The supply and storage system would be designed to meet State Health specifications, and the distribution system would be built to meet the City specifications so that it could be incorporated later.

Council Member Don Dafoe asked if the six-inch well would be able to supply enough water for a fire in that development. City Engineer John Quick said that the well would be able to supply it and there would have to be adequate storage to take care of fire flows.

Council Member Neil Dutson said that Derral Christensen has said that the water system would be set up as an individual district where the City was billing that area and then whatever monies was there would be used to maintain that system. If there was not enough money to maintain the system through billings, Mr. Christensen would pay the additional amounts that were needed.

Mr. Quick displayed a map of the roads and said that the proposed roads will be installed to City standards.

Attorney Peterson said that Elwin Johnson would like to be annexed into the City with the idea that if the Christensen development goes into Phase II,

then he would get a water line in front of his cheese factory to which he could connect. If a water line is not installed within a three year period after annexation, Mr. Johnson has the option of pulling out of the City. If Delta Valley Farms is annexed and is hooked into the sewer line, the property owner would lose his option of pulling out of the City; or, if a water line is installed there within a three year period, then he would also lose his option to pull out of the City.

In further discussion of the annexation, Council Member David Church said that he is aware of some of the benefits of the proposed Airport Annexation, but he feels that the City Attorney is advocating strongly Derral Christensen's development. Attorney Peterson said that he is advocating strongly for the annexation, but not for that particular petitioner. Mr. Peterson said he feels that the focus of discussion has been on Mr. Christensen because his development would create the most immediate need for services. Again, Mr. Peterson said that he advocates the annexation, not Mr. Christensen's development. Mr. Church suggested that Derral Christensen or someone representing him be present at the next Council meeting at which the annexation was discussed. Mr. Peterson agreed.

Council Member Neil Dutson asked the question, "Is there a situation where this ground being in the City will cost the City? And if so, the Council needs to determine that cost." Mr. Dutson said that he feels that there is not a situation that will impose additional costs to the City. He said Mr. Christensen has offered to bear the costs created by his development. Attorney Peterson said that the only reason this particular development is critical is because it will have the most immediate impact, and it has the greatest potential for large scale impact.

Following further discussion, Attorney Peterson said that he feels the feasibility study portion of the annexation is essentially complete and the actual negotiation of the annexation agreements need to be completed. He recommended that if the Council is satisfied with the direction that the annexation is taking, annexation agreements should be drafted for review by the Council and a tentative date for final consideration of the annexation of approximately May 1, he said. Mr. Peterson also recommended that further public comment may be useful. He said representatives of all interested in the annexation should be called on to attend a meeting for that purpose.

Following further discussion, Council Member Gayle Bunker MOVED that Attorney Warren Peterson be instructed to prepare annexation agreements for the proposed Airport Annexation. The motion was SECONDED by Council Member Craig Greathouse. Mayor Hansen asked if there were any further comments or questions regarding the motion. There being none, she called for a vote. All Council Members voted for the motion, except Council Member Neil Dutson. He abstained from voting, declaring his interest in the proposed annexation. The motion carried.

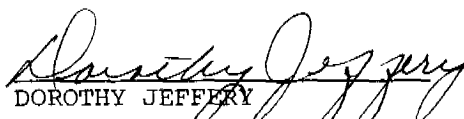
OTHER BUSINESS

Attorney Peterson presented to the Council a letter of resignation from Justice of the Peace Stanley Robison requesting that his term end March 31, 1986. Mayor Hansen asked the Council to consider individuals to replace Judge Robison.

Mayor Hansen asked if there were any further comments or questions or items to be discussed. There being none, Council Member David Church MOVED to adjourn the meeting. The motion was SECONDED by Council Member Neil Dutson. Mayor Hansen declared the meeting adjourned at 10:15 p.m.



RUTH HANSEN, Mayor

Attest: 
DOROTHY JEFFERY
Delta City Recorder

MINUTES APPROVED: March 24, 1986